

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

HARAFI HUSSEIN ABDI,

Defendant.

**Affirmation in Support of
Application for Order of
Continuance**

18 Mag. 159

State of New York)
County of New York : ss.:
Southern District of New York)

Nicholas S. Bradley, pursuant to Title 28, United States Code, Section 1746, hereby declares under penalty of perjury:

1. I am an Assistant United States Attorney in the Office of Edward Y. Kim, Acting United States Attorney for the Southern District of New York. I submit this affirmation in support of an application for an eleventh order of continuance of the time within which a preliminary hearing would have to be conducted or an indictment or information would have to be filed, pursuant to Rule 5.1(d) of the Federal Rules of Criminal Procedure and 18 U.S.C. § 3161(h)(7)(A).

2. The defendant was charged in a complaint dated January 9, 2018, with violations of 18 U.S.C. §§ 2339B, 2339D, 924(c), 371, 2, and 3282. The defendant was arrested on February 15, 2024, and was presented in this District before Magistrate Judge Valerie Figueredo on February 16, 2024, at which proceeding the defendant was represented by Michael Arthus, Esq., and ordered detained.

3. At the presentment on February 16, 2024, a preliminary hearing was scheduled for March 19, 2024, after defense counsel consented to extend the deadline within which to conduct a

preliminary hearing. Under the Speedy Trial Act, the Government had until March 19, 2024 within which to file an indictment or information. *See* 18 U.S.C. § 3161(b).

4. On March 13, 2024, Magistrate Judge Stewart D. Aaron entered an Order of Continuance, pursuant to Rule 5.1(d) and 18 U.S.C. § 3161(h)(7)(A), extending the time within which a preliminary hearing would have to be conducted or an indictment or information would have to be filed in this case until April 18, 2024.

5. On April 17, 2024, Magistrate Judge Katharine H. Parker entered an Order of Continuance, pursuant to Rule 5.1(d) and 18 U.S.C. § 3161(h)(7)(A), extending the time within which a preliminary hearing would have to be conducted or an indictment or information would have to be filed in this case until May 20, 2024.

6. On May 16, 2024, Magistrate Judge Valerie Figueredo entered an Order of Continuance, pursuant to Rule 5.1(d) and 18 U.S.C. § 3161(h)(7)(A), extending the time within which a preliminary hearing would have to be conducted or an indictment or information would have to be filed in this case until June 20, 2024.

7. On June 20, 2024, Magistrate Judge James L. Cott entered an Order of Continuance, pursuant to Rule 5.1(d) and 18 U.S.C. § 3161(h)(7)(A), extending the time within which a preliminary hearing would have to be conducted or an indictment or information would have to be filed in this case until July 20, 2024.

8. On July 17, 2024, Magistrate Judge Robert W. Lehrburger entered an Order of Continuance, pursuant to Rule 5.1(d) and 18 U.S.C. § 3161(h)(7)(A), extending the time within which a preliminary hearing would have to be conducted or an indictment or information would have to be filed in this case until August 19, 2024.

9. On August 14, 2024, Magistrate Judge Sarah L. Cave entered an Order of Continuance, pursuant to Rule 5.1(d) and 18 U.S.C. § 3161(h)(7)(A), extending the time within which a preliminary hearing would have to be conducted or an indictment or information would have to be filed in this case until September 18, 2024.

10. On September 16, 2024, Magistrate Judge Robyn F. Tarnofsky entered an Order of Continuance, pursuant to Rule 5.1(d) and 18 U.S.C. § 3161(h)(7)(A), extending the time within which a preliminary hearing would have to be conducted or an indictment or information would have to be filed in this case until October 18, 2024.

11. On October 17, 2024, Magistrate Judge Sarah L. Cave entered an Order of Continuance, pursuant to Rule 5.1(d) and 18 U.S.C. § 3161(h)(7)(A), extending the time within which a preliminary hearing would have to be conducted or an indictment or information would have to be filed in this case until November 18, 2024.

12. On November 15, 2024, Magistrate Judge Ona T. Wang entered an Order of Continuance, pursuant to Rule 5.1(d) and 18 U.S.C. § 3161(h)(7)(A), extending the time within which a preliminary hearing would have to be conducted or an indictment or information would have to be filed in this case until December 18, 2024.


13. On December 19, 2024, Magistrate Judge Parker entered an Order of Continuance, pursuant to Rule 5.1(d) and 18 U.S.C. § 3161(h)(7)(A), extending the time within which a preliminary hearing would have to be conducted or an indictment or information would have to be filed in this case until January 17, 2025.

14. Defense counsel and I have had discussions regarding a possible disposition of this case. The parties plan to continue our discussions, but do not anticipate a resolution before January 17, 2025.

15. Therefore, the Government requests a 30-day continuance until February 17, 2025, to continue the foregoing discussions toward resolving this matter. On January 14, 2025, I personally corresponded with defense counsel, who stated that the defendant consents to an extension of the preliminary hearing and Speedy Trial Act deadlines to February 17, 2025, and has specifically consented to this request. This application has been authorized by Assistant United States Attorney Andrew Dember, Deputy Chief of the Criminal Division.

16. For the reasons stated above, good cause supports the extension of the preliminary hearing deadline, and the ends of justice served by the granting of the requested continuance outweigh the best interests of the public and defendant in a speedy trial.

Dated: New York, New York
January 14, 2025



Nicholas S. Bradley
Assistant United States Attorney
212-637-1581